

Doherty, Ciechanowski,  
Dugan & Cannon, P.C.

124 Grove Street, Suite 220  
Franklin, MA 02038  
TEL. NO. (508) 541-3000  
FAX NO. (508) 541-3008

Michael P. Doherty  
mpd@dcclaw.com

August 19, 2016

***Certified Mail - Return Receipt Requested***

Michelle Lauterback, Senior Enforcement Counsel  
U.S. Environmental Protection Agency  
Office of Environmental Stewardship (OES04-3)  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

***Certified Mail - Return Receipt Requested***

Tina Hennessy, Enforcement Coordinator  
U.S. Environmental Protection Agency  
Emergency Response & Removal Section 1 (OSRR02-2)  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

***Via Email (w/o documents) and First Class Mail***

Allen Jarrell, On-Scene Coordinator  
U.S. Environmental Protection Agency  
Emergency Response & Removal Section 1 (OSRR02-2)  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

Re: Anglo Enterprises Company Site, Webster, MA  
Response to Request for Information

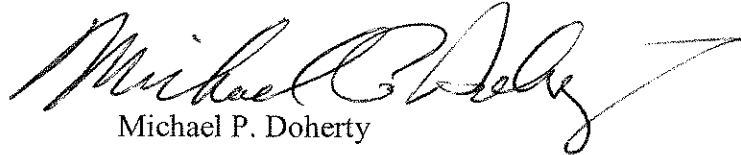
Dear Mses. Lauterback and Hennessy and Mr. Jarrell:

I represent 35 Pearl Street, LLC ("Pearl Street"). Enclosed please find Pearl Street's written Response to EPA's Request for Information, as well as all supporting documentation related thereto, which are Bates Stamped 35 PEARL 1 through 35 PEARL 546. Please note that

Michelle Lauterback, Senior Enforcement Counsel  
Tina Hennessy, Enforcement Coordinator  
Allen Jarrell, OSC  
August 19, 2016  
Page 2

there are responsive documents that are "Company Confidential", and these documents are marked as such and are segregated as requested. Please contact me if you have any questions about the information provided in response to the EPA's request.

Very truly yours,



Michael P. Doherty

MPD/bcs

Enclosures

cc: Anne Berlin Blackman, MA DEP Sr. Reg. Counsel (*Via Email w/o documents*)  
Betsy Harper, Deputy Chief, MA Atty. General's Office (*Via Email w/o documents*)

**ENCLOSURE 3**  
**RESPONSE OF 35 PEARL STREET LLC TO**  
**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY'S**  
**INFORMATION REQUEST FOR**  
**THE ANGLO ENTERPRISES SUPERFUND SITE**

\*\*\*\*\*

**Period Being Investigated:**

January 1, 2014 to the Present

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1. Information Request Questions

**NOTE: All questions in this section refer to the present time unless otherwise indicated.**

- a. Provide the full legal name mailing address and email address of Respondent.

**RESPONSE:**

35 Pearl Street LLC  
c/o Doherty, Ciechnowski, Dugan & Cannon, P.C.  
124 Grove Street, Suite 220  
Franklin, MA 02038  
Walt@35pearl.com

- b. For each person answering these questions on behalf of Respondent provide:

- i. full name;
- ii. title;
- iii. business address; and
- iv. business telephone number, email address and FAX machine number.

**RESPONSE:**

- (1) Walter G. Mahla, Manager  
35 Pearl Street LLC  
23 Rhodes Drive  
Wrentham, MA 02093  
(508) 384-5157  
FAX (508) 384-5157  
Cell (774) 256 – 4101  
Email: Walt@35pearl.com
- (2) Paul S. Gerrish, CPA  
John T. Chipman & Company LLP  
955 Washington Street  
Norwood, MA 02062  
(781) 762-6272 Ext 108

FAX (781) 769-2163  
Email: [Paul.gerrish@jtcco.com](mailto:Paul.gerrish@jtcco.com)

- (3) Michael P. Doherty, Esq.  
Doherty, Ciechanowski, Dugan & Cannon, P.C.  
124 Grove Street, Suite 220  
Franklin, MA 02038  
(508) 541-3000  
FAX (508) 541-3008  
Email: [MPD@dcclaw.com](mailto:MPD@dcclaw.com)

- c. If Respondent wishes to designate an individual for all future correspondence concerning the Site, including any legal notices, please provide that individual's name, address, telephone number, email address and FAX number, and the designated individual's relationship to the Respondent.

**RESPONSE:**

Michael P. Doherty, Esq.  
Doherty, Ciechanowski, Dugan & Cannon, P.C.  
124 Grove Street, Suite 220  
Franklin, MA 02038  
(508) 541-3000  
FAX (508) 541-3008  
Email: [MPD@dcclaw.com](mailto:MPD@dcclaw.com)  
Attorney for Respondent, 35 Pearl Street LLC

2. Legal and Financial Information for Respondent

**NOTE: All questions in this section refer to the time period being investigated, unless otherwise specifically indicated below.**

35 PEARL STREET LLC ("LLC") WAS CREATED ON MAY 29, 2014. RESPONDENT PURCHASED THE SITE ON AUGUST 27, 2014:

- (i) Respondent produces Certificate of Organization filed with the Secretary of the Commonwealth Corporations Division on May 29, 2014 and all other LLC documents filed with the Secretary of the Commonwealth Corporations Division;
- (ii) Respondent produces the Operating Agreement for the LLC dated May 29, 2014;
- (iii) Respondent produces Settlement Statement dated August 27, 2014; and
- (iv) Respondent produces Deed into 35 Pearl Street LLC dated August 27, 2014, recorded on August 28, 2014 in Worcester County Registry of Deeds, Book 52732, Page 222.

ACCORDINGLY, THE DOCUMENTS PRODUCED FOR THE FOLLOWING REQUESTS ARE FOR THE YEARS 2014 AND 2015 ONLY.

- a. Complete, fully, the attached **Financial Statement for Businesses** (Attachment 3-2) for Respondent and provide all supporting documentation.

**RESPONSE (a):** Respondent produces a completed Financial Statement For Business and provides supporting documentation.

- b. Provide copies of all federal and state tax returns (income tax, gift tax, estate tax, or other), including all complete schedules, for Respondent for the past five (5) years, as submitted to the Internal Revenue Service.

**RESPONSE (b):** Respondent produces its federal and state tax returns for the years 2014 and 2015.

- c. Provide the last five (5) years' financial statements for Respondent including income statements, balance sheets, cash flow reports, shareholder's reports, financial audits or other financial reports showing Respondent's assets, profits, liabilities and current financial status.

**RESPONSE (c):** Respondent produces trial balances, Notes and Mortgages to Walter G. Mahla. For bank statements, see documents produced in answer to 2(a).

- d. Provide all loan applications filed by Respondent within the last five (5) years.

**RESPONSE (d):** None.

- e. If Respondent is or was at any time, a corporation, provide:
  - i. the date of incorporation;
  - ii. state of incorporation;
  - iii. the names of all officers during the period being investigated, including their titles and dates of office;
  - iv. the names of all directors during the period being investigated, including their titles and dates of office;
  - v. the names of all shareholders owning the company's stock at any time during the period being investigated; including the name, current or most recent address and phone number of each shareholder; and the number of shares held by each shareholder; and
  - vi. the names and addresses of all parent and subsidiary entities affiliated with the company.

**RESPONSE (e):** Respondent is not and never has been a corporation but is a Massachusetts limited liability company.

- i. Date of organization – May 29, 2014
- ii. Massachusetts
- iii. Walter G. Mahla, Manager – May 29, 2014 to present  
Walter G. Mahla, Resident Agent – March 13, 2015 to August 2, 2016  
Matthew Kennedy, Manager – May 29, 2014 to March 12, 2015  
Matthew Kennedy, Resident Agent – May 29, 2014 to March 12, 2015  
Michael P. Doherty, Esq., Resident Agent – August 3, 2016 to present
- iv. Not applicable
- v. Not applicable

vi. None

f. If Respondent has filed for bankruptcy, provide:

- i. the U.S. Bankruptcy Court in which the petition was filed;
- ii. the docket numbers of such petition;
- iii. the date the bankruptcy petition was filed;
- iv. whether the petition is under Chapter 7 (liquidation), Chapter 11 (reorganization), or other provision; and
- v. a brief description of the current status of the petition.

**RESPONSE (f):** Respondent has never filed for bankruptcy.

g. If Respondent no longer exists as a legal entity because of dissolution provide:

- i. a brief description of the nature and reason for dissolution;
- ii. the date of dissolution;
- iii. documents memorializing or indicating the dissolution of the entity;
- iv. a statement of the net worth of the entity at the time of termination; and
- v. a statement of how and to whom the entity's assets were distributed.

**RESPONSE (g):** The Respondent is a Massachusetts limited liability company in good standing.

h. If Respondent no longer exists as the same legal entity it was during the period being investigated because of transactions involving asset purchases or mergers, provide:

- i. a brief statement describing the nature of the asset purchases or mergers;
- ii. the titles and dates of the documents that embody the terms of such transactions;
- iii. the identities of the seller, buyer and any other parties to such transactions; and
- iv. copies of the documents that embody the terms of such transactions (e.g., purchase agreements, merger and dissolution agreements, etc.).

**RESPONSE (h):** Not applicable.

i. If Respondent has ever done business under any other name;

- i. list each such name; and
- ii. list the dates during which such name was used by the company.

**RESPONSE (i):** Not applicable.

j. Provide name and address of the person and/or account in charge of preparing or reviewing Respondent's annual report, and provide a copy of the most recent annual report.

**RESPONSE (j):** Walter G. Mahla, Manager  
35 Pearl Street LLC  
23 Rhodes Drive

Wrentham, MA 02093

Respondent produces its 2016 Annual Report

3. Insurance

**NOTE: All questions in this section apply to Respondent for the period being investigated.**

- a. Provide copies of all property, casualty and/or liability insurance policies, and any other insurance contracts referencing the Site or facility (including, but not limited to, Environmental Impairment Liability, Pollution Legal Liability, Cleanup Cost Cap or Stop Loss Policies, Institutional Controls and Post Remediation Care Insurance). Include any and all policies providing the Respondent with insurance for loss or damage to the Site property.

**RESPONSE (a):** Respondent produces RSUI Insurance Policy issued by Covington Specialty Insurance Company, Commercial General Liability Policy No. VBA312409 00, for the period from 08/28/14 to 08/28/15.

- b. To the extent not provided in Question a. above, provide copies of all insurance policies that may potentially provide the Respondent with insurance for bodily injury or property damage in connection with the Site and/or Respondent's business operations (including, but not limited to, Comprehensive General Liability). Include, without limitation, all primary, excess, and umbrella policies.

**RESPONSE (b):** None.

- c. To the extent not identified in Questions a. or b. above, provide all other evidence of casualty, liability and/or pollution insurance issued to Respondent for the period being investigated.

**RESPONSE (c):** None.

- d. If there are any such policies of which you are aware but neither possess copies, nor are able to obtain copies, identify each such policy to the best of your ability by identifying:

- i. the name and address of each insurer and of the insured;
- ii. the type of policy and policy numbers;
- iii. the per occurrence policy limits of each policy; and
- iv. the effective dates for each policy.

**RESPONSE (d):** None.

- e. Identify all insurance brokers or agents who placed insurance for the Respondent during the period being investigated. Identify by name and title, if known, individuals at the agency or brokerage most familiar with the property, pollution and/or liability insurance program of Respondent and the current whereabouts of each individual, if known.

**RESPONSE (e):**

Mr. Paul A. Patalano, Account Executive  
DeSanctis Insurance Agency  
100 Unicorn Park Drive  
Woburn, MA 01801  
P (781) 935-8480 Ext. 146  
F 781-933-5645  
Direct Dial: 781-569-0146  
ppatalano@desanctisins.com

- f. Identify all previous settlements by Respondent with any insurer which relates in any way to environmental liabilities and/or to the policies referenced above, including:
- i. the date of the settlement;
  - ii. the scope of release provided under each settlement;
  - iii. the amount of money paid by the insurer pursuant to such settlement; and
  - iv. provide copies of all such settlement agreements.

**RESPONSE (f):** None.

- g. Identify all communications and provide all documents that evidence, refer, or relate to claims made by or on behalf of the Respondent under any insurance policy in connection with the Site since the June 2015 fire at the Site. Include any responses from the insurer with respect to any claims.

**RESPONSE (g):** Respondent produces its communications and documents that evidence, refer, or relate to claims made by or on behalf of the Respondent under any insurance policy in connection with the Site since the June 2015 fire at the Site, including responses from the insurer with respect to any claims.

- h. Identify any and all insurance, accounts paid or accounting files that identify Respondent's insurance policies.

**RESPONSE (h):** None other than policy produced in response to 3(a).

- i. List all named insureds on property, pollution and/or casualty liability insurance providing coverage to Respondent during the period being investigated including the nature of the insurance requirement and the years when the evidence was required.

**RESPONSE (i):** 35 Pearl Street, LLC – RSUI Insurance Policy issued by Covington Specialty Insurance Company, Commercial General Liability Policy No. VBA312409 00, 08/28/14 to 08/28/15. See policy produced in response to 3(a).

- j. Identify any person or organization requiring evidence of Respondent's casualty, liability and/or pollution insurance during the period being investigated as identified in Question a. above, including the nature of the insurance requirement and the years when the evidence was required.



**RESPONSE (j):** Not Applicable.

4. Respondent's Operations

**NOTE: All questions in this section refer Respondent's operations at the Site before the June 2015 fire unless otherwise indicated.**

- a. Describe the nature of Respondent's operations at the Site including:
- i. a description of Respondent's activities by date;
  - ii. specific types of materials used (*e.g.*, perfumes, dyes, oils, solvents, etc.);
  - iii. how and where chemicals were stored, handled, placed or disposed of at the Site (*e.g.*, chemicals were stored in drums/containers on pallets in the building); and
  - iv. provide a sketch of the location(s) where chemicals were stored, handled, placed or disposed.

**RESPONSE (a):** Respondent purchased the site to demolish it hoping to reclaim wood and timbers and steel beams and then build a new commercial development on the site. The Respondent hired Princess Equipment, Inc. to perform the demolition work. Princess Equipment, Inc. obtained permission from the Town of Webster to demolish the site, disconnected various utilities and began demolition activities.

- b. Provide copies of all local, state, and federal permits or licenses for the operations at the Site, including but not limited to permits for the transport, receipt, generation, handling, mixing, reclamation, recycling, storage, or disposal of wastes.

**RESPONSE (b):** None available to Respondent.

- c. Provide copies of all documents which were created or kept concerning Site operations by owners, lessees, tenants, contractors, site managers, or others, including but not limited to:
- i. documents concerning waste disposal practices;
  - ii. documents concerning waste disposal policies, procedures, or guidelines;
  - iii. documents concerning the location of wastes placed or disposed at the Site;
  - iv. documents concerning the entities and/or individuals who brought wastes to the Site; and
  - v. documents concerning responsibility for and supervision of waste disposal practices at the Site.

**RESPONSE (c):** Respondent produces LBP Solutions asbestos letters and reports, Smith & Wessel Associates, Inc. letters and reports and Environmental & Technical Solutions, LLC Environment Site Assessment dated October 12, 2005.

- d. Provide copies of Materials Safety Data Sheets ("MSDS") for materials used in Respondent's operations.

**RESPONSE (d):** None available to Respondent.

- e. Describe each type of waste brought to or generated at the Site during Respondent's operation from the time Respondent began operating at the Site to the present, including but not limited to:
- i. the name of each type of waste;
  - ii. the chemical composition of each type of waste;
  - iii. the color of each type of waste;
  - iv. the odor of each type of waste;
  - v. the physical state of each type of waste (*e.g.*, liquid, solid, sludge); and
  - vi. whether the waste was hazardous, toxic, flammable, reactive, corrosive, or was otherwise a hazardous substance.

**RESPONSE (e):** None available to Respondent.

- f. Provide a schematic diagram or flow chart that fully describes and/or illustrates the Respondent's operations.

**RESPONSE (f):** Not applicable.

- g. Provide copies of any and all documents (see Definitions), including photographs, and videotapes which describe or depict the Site, and its operations before the June 2015 fire at the Site. Identify (see Definitions) who else may have such documents or photographs.

**RESPONSE (g):** Respondent produces photographs which depict the Site before the June 2015 fire.

- h. For each legal action brought against current or prior owners, tenants, or site operators/managers of the Site regarding Site operations, permitting, or environmental matters, provide:
- i. the caption name, jurisdiction, and docket number (*e.g.*, U.S. v. Owner (D.N.H. 92-003));
  - ii. the date such action was initiated;
  - iii. the names of parties to the action; and
  - iv. the final disposition or current status of the action.

**RESPONSE (h):** Respondent produces the following Worcester Superior Court search results and Party Information Sheets, which provide the above-requested information as follows:

- (i) Liberty Mutual Insurance Co., as Subrogee of Anglo Silver Liner Co., Inc.  
v. 35 Pearl Street, LLC, Walter G. Mahla and Matthew S. Kennedy  
v. Princess Equipment, Inc.  
Worcester Superior Court Case No. 1685CV00651
- (ii) May 2, 2016
- (iii) Liberty Mutual Insurance Co. - Plaintiff  
35 Pearl Street LLC – Defendant/Third-Party Plaintiff

Walter G. Mahla – Defendant/Third-Party Plaintiff  
Matthew S. Kennedy – Defendant  
Princess Equipment, Inc. – Third Party Defendant  
(iv) Open

Respondent also produces Settlement and Release Between the Commonwealth of Massachusetts, the Department of Fire Services and 35 Pearl Street, LLC dated September 17, 2015.

5. Information From Others

- a. If not already included in your response, if you have reason to believe that there may be persons able to provide a more detailed or complete response to any of these questions or who may be able to provide additional responsive documents, (including but not limited to information about current and past uses of the Site) identify such persons and the additional information or documents that they may have.

**RESPONSE (a):**

Ronald R. Jacobs, General Manager  
LBP Solutions  
13 Bird Street, Suite 6  
Foxboro, MA 02035  
Tel 844-527-5323  
Cell 508-341-0837  
Fax 774-215-5275  
[ronjacobs@lbpsolutions.com](mailto:ronjacobs@lbpsolutions.com)  
[www.lbpsolutions.com](http://www.lbpsolutions.com)  
Lead based paint, asbestos, mold – environmental inspections and consulting.

Louis Javier, President  
EnviroGreen, LLC  
81 Chestnut Ave.  
Jamaica Plain, MA 02130  
Tel. 857-891-3842  
Fax 617-942-7482  
[LJ@envirogreenboston.com](mailto:LJ@envirogreenboston.com)  
Residential and commercial asbestos removal, demolitions, mold remediation, contaminated soil, tank closure

Matthew Kennedy and Deborah Kennedy  
81 Eber Taft Road  
Uxbridge, MA 01569  
Operation documents and practices and asbestos removal work

6. Compliance With This Request

- a. Describe all sources reviewed or consulted in responding to this request, including but not limited to:

- i. the names of all individuals consulted;
- ii. the current job title, job description, address and telephone number of each individual consulted;
- iii. the job title and job description during the period being investigated of each individual consulted;
- iv. whether each individual consulted is a past employee of Respondent;
- vi. the nature of all documents reviewed;
- vii. the locations where those documents reviewed were kept prior to review; and
- viii. the location where those documents reviewed are currently kept.

**RESPONSE (a):**

- (1)
  - (i) Walter G. Mahla
  - (ii) Manager, 35 Pearl Street LLC  
23 Rhodes Drive  
Wrentham, MA 02093  
(508) 384-5157  
Cell (774) 256 – 4101
  - (iii) Manager, 35 Pearl Street LLC
  - (iv) No
  - (vi) Cloud
  - (vii) Cloud
  - (viii) Cloud
- (2)
  - (i) Paul S. Gerrish
  - (ii) CPA  
John T. Chipman & Company LLP  
955 Washington Street  
Norwood, MA 02062  
(781) 762-6272 Ext 108
  - (iii) CPA
  - (iv) No
  - (vi) Office
  - (vii) Office
  - (viii) Office
- (3)
  - (i) Michael P. Doherty
  - (ii) Attorney  
Doherty, Ciechanowski, Dugan & Cannon, P.C.  
124 Grove Street, Suite 220  
Franklin, MA 02038  
(508) 541-3000
  - (iii) Attorney
  - (iv) No
  - (vi) Office
  - (vii) Office
  - (viii) Office

- b. Identify Respondent's policy with respect to document retention.

**RESPONSE (b):** Cloud with periodic deletions/archiving.

The following form of declaration must accompany all information submitted by Respondent in response to the Information Request:

**DECLARATION**

I declare under the penalty of perjury that I am authorized to respond on behalf of 35 PEARL STREET LLC, Respondent, and that the foregoing is believed by me to be complete, true and accurate.

Executed on August <sup>19</sup>\_\_\_\_, 2016

35 PEARL STREET LLC

By: Walter G. Mahla  
Walter G. Mahla  
Title: Manager